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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,798	08/02/2000	Koji Hatanaka	35.G2637	7871
5514	7590	04/07/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TODD, GREGORY G	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,798

Applicant(s)

HATANAKA, KOJI

Examiner

Gregory G Todd

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is a fourth office action in response to applicant's amendment filed, 22 December 2004, of application filed, with the above serial number, on 02 August 2000 in which claims 30, 32, 36, 37, 39, 43, 44, 46, 50, 51, 57, and 63. Claims 30-68 are therefore pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 51-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Pavley (hereinafter "Pavley", 6,445,460).

As per Claim 51, Pavley teaches an image processing apparatus, comprising:

a capturing unit adapted to capture a plurality of reduced image data from a storage medium of at least one external device (reduced resolution images, ie. screennail, thumbnail; at least col. 4, lines 7-19, 44-56);

a display control unit, adapted to perform control so as to display the reduced image data captured by said capturing unit (displaying thumbnails) (at least col. 4, lines 7-56); and

a screen display control unit, adapted to perform control so as to display a screen for selecting whether to select only image data stored in the storage medium which has not previously been transferred or to select all image data stored in the storage medium (selecting images from thumbnails in association with attributes such as archival attribute for synchronization) (at least col. 4, lines 7-56; col. 5, lines 30-49);

wherein the screen display control unit is adapted to control the display of the image which has not previously been transferred and the image which has already been transferred (auto image transfer according to archive attribute and marking image as archived) (at least col. 6, lines 3-24).

As per Claim 52, Pavley teaches the image processing apparatus according to claim 51, wherein said capturing unit captures transfer history information on the image data (archive attribute) (at least col. 5, lines 30-45).

As per Claim 53, Pavley teaches the image processing apparatus according to claim 52, wherein said display control unit performs control so as to display identifiably the reduced image data corresponding to the transferred image data based on the transfer history information (reduced resolution images , ie. screennail, thumbnail; at least col. 4, lines 7-19, 44-56).

As per Claim 54, Pavley teaches the image processing apparatus according to claim 51, wherein the screen displayed by said screen display control unit includes a

screen which allows a user to select arbitrary image data (at least Fig. 1; col. 4, lines 7-47).

As per Claim 55, Pavley teaches the image processing apparatus according to claim 52, further comprising a message notification unit, adapted to notify a warning message in the event that the transfer history information is referred to, and an instruction to delete the image data not previously transferred is made (archive file attribute indicating file deletion status) (at least col. 5 line 30 - col. 6 line 23).

As per Claim 56, Pavley teaches the image processing apparatus according to claim 52, wherein said display control unit changes an order of the reduced image data display based on the transfer history information (chronological display of thumbnail images) (at least col. 4, lines 7-47).

Claims 57-68 do not add or define any additional limitations over claims 51-56 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley (hereinafter "Pavley", 6,445,460) in view of Dow et al (hereinafter "Dow", 6,469,689).

Pavley teaches the invention, substantially, as claimed including image transferring according to transfer history (see abstract).

As per Claim 30, Pavley teaches an image transferring apparatus, comprising:
a storage unit, adapted to store image data (memory) (at least col. 2, lines 34-46);

a display unit, adapted to display a screen for selecting whether to transfer only image data stored in said storage unit which has not previously been transferred or to transfer all image data stored in said storage unit (transferring images based on archive attribute) (at least Fig. 1; LCD screen; col. 6, lines 10-23);

an image data transfer instruction unit, adapted to instruct to transfer the image data (at least col. 5, lines 45-60; col. 6, lines 10-24); and

a transfer control unit, adapted to perform control to transfer the image data, in a case in which an instruction to transfer the image data is given by said image data transfer instruction unit, and to judge a selection selected from the screen displayed by said display unit, and if the selection to transfer only image data not previously transferred is made, perform control to transfer only the image data not previously transferred based on transfer history information, and if the selection to transfer all image data stored in the storage unit is made, perform control to transfer all the image data stored in said storage unit regardless of the transfer history information (auto image transfer according to archive attribute) (at least col. 6, lines 3-24).

Pavley fails to *explicitly* teach said image data transfer instruction unit being a button for instructing the image data transfer. However, the use and advantages for

using such a button is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Dow. Dow teaches a separate button (26) on an image capturing device (at least col. 8, lines 2-24, col. 5, lines 24-25; Fig. 1A, 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Dow's separate button into Pavley's system as this would further enhance functionality in Pavley's system to have an alternative to Pavley's more automatic method of transferring images upon connection (see col. 6, lines 10-18). Furthermore, Pavley teaches menu and other buttons in addition to programmable soft keys (see col. 3, lines 53-63), further motivating and suggesting use of a send or transfer type button.

As per Claim 31, Pavley teaches the image transferring apparatus according to claim 30, wherein said display unit comprises a liquid crystal display screen (at least Fig. 1; LCD screen).

As per Claim 32, teaches the image transferring apparatus according to claim 30, wherein said image data transfer instruction unit is provided separately from said display unit (at least Fig. 1; buttons and dials).

As per Claim 33, while Pavley fails to explicitly teach the image transferring apparatus according to claim 30, further comprising a notification unit, adapted to notify, after completion of image data transfer, of the completion, Pavley does teach rule sets occurring in the background as preferably setup by a user (at least col. 5 line 61 - col. 6 line 9), thus implying a user could set up rules so as to have interaction with the user and notify them of events such as an image being removed since it is already archived.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of user notifications as Pavley's system suggests this process could occur in the foreground.

As per Claim 34, Pavley teaches the image transferring apparatus according to claim 30, further comprising a message notification unit, adapted to attach a message notification to the image data to make reference to the transfer history information, and an instruction to delete image data that has not been previously transferred (archive file attribute indicating file deletion status) (at least col. 5 line 30 - col. 6 line 23).

As per Claim 35, Pavley teaches the image transferring apparatus according to claim 30, wherein said display unit identifiably displays reduced image data corresponding to the transferred image data based on the transfer history information (reduced resolution images , ie. screennail, thumbnail; at least col. 4, lines 7-19, 44-56).

As per Claim 36, Pavley teaches an image transferring apparatus, comprising:
a storage unit, adapted to store image data (memory) (at least col. 2, lines 34-46);

a transfer unit, adapted to transfer image data stored in said storage unit (at least col. 5, lines 45-60; col. 6, lines 10-24);

a changing unit, adapted to change transfer history information to a transferred status in the event that the transfer history information of the image data previously transferred by said transfer unit indicates that the image has not been transferred (auto image transfer according to archive attribute and marking image as archived) (at least col. 6, lines 3-24).

Pavley fails to *explicitly* teach said image data transfer instruction unit being a button for instructing the image data transfer. However, the use and advantages for using such a button is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Dow. Dow teaches a separate button (26) on an image capturing device (at least col. 8, lines 2-24, col. 5, lines 24-25; Fig. 1A, 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Dow's separate button into Pavley's system as this would further enhance functionality in Pavley's system to have an alternative to Pavley's more automatic method of transferring images upon connection (see col. 6, lines 10-18). Furthermore, Pavley teaches menu and other buttons in addition to programmable soft keys (see col. 3, lines 53-63), further motivating and suggesting use of a send or transfer type button.

Claims 37-50 do not add or define any additional limitations over claims 30-36 and therefore are rejected for similar reasons.

Response to Arguments

6. Applicant's arguments, see pp. 18, filed 22 December 2004, with respect to claims 30, 36-37, 43-44, and 50 rejected under Huang have been fully considered and are persuasive. The rejection of the claims under Huang has been withdrawn.

7. Applicant's arguments with respect to amended claims 30, 36, 37, 43, 44, and 50 have been considered but are moot in view of the new ground(s) of rejection in view of Dow. Applicants argue, in substance, that Pavley fails to teach or suggest amended

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limitations of claims to include a separate button for explicitly instructing image data transfer.

In response, Pavley, as Applicant notes, teaches a schematic box labeled "Buttons and Dials" in Fig. 1. Pavley further teaches menu and other buttons in addition to programmable soft keys (see col. 3, lines 53-63), further motivating and suggesting use of a send or transfer type button. However, Pavley fails to *explicitly* teach said image data transfer instruction unit being a button for instructing the image data transfer. However, the use and advantages for using such a button is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Dow. Dow teaches a separate button (26) on an image capturing device (at least col. 8, lines 2-24, col. 5, lines 24-25; Fig. 1A, 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Dow's separate button into Pavley's system as this would further enhance functionality in Pavley's system to have an alternative to Pavley's more automatic method of transferring images upon connection (see col. 6, lines 10-18).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Previously cited Morag et al, Miller et al, Otani et al, Niikawa, Pears et al, Manolis et al, Anderson et al, Dwyer et al, Dow et al, Shiota et al, Loui et al, Kunishige and Fichtner are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd



Patent Examiner

Technology Center 2100



SALEH NASIR
PRIMARY EXAMINER